

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

| | | |
|---------------------------------|---|--------------------------------------|
| OLIVIA Y., et al |) | |
| |) | |
| Plaintiffs |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 3:04-cv-251-HSO-FKB |
| |) | |
| TATE REEVES, as Governor of the |) | |
| State of Mississippi, et al. |) | |
| |) | |
| Defendants |) | |

**JOINT STIPULATED ORDER CONTINUING SUSPENSION OF
THE SECOND MODIFIED MISSISSIPPI SETTLEMENT AGREEMENT**

The Court has been advised that the parties have negotiated this Joint Stipulated Order Continuing the Suspension of the 2nd Modified Mississippi Settlement Agreement (“Continued Suspension Order”) with input from the Court Monitor.

Whereas, the Court entered the 2nd Modified Mississippi Settlement Agreement and Reform Plan (“2nd MSA”) [Dkt. No. 712] on December 19, 2016, and the 2nd MSA became effective on January 1, 2018; and

Whereas, the parties agreed to the appointment of Public Catalyst as the Monitor of Defendants’ compliance with the 2nd MSA; and

Whereas, the parties agreed to a Rebuilding Period, and the Court entered a Rebuilding Order on June 24, 2021 [Dkt. No. 917] which suspended the 2nd MSA through April 30, 2023; and

Whereas, the parties agreed to modify the Rebuilding Order, and the Court entered a Joint Stipulated Order to Modify the Rebuilding Order on April 25, 2023 [Dkt. No. 946] which suspended the 2nd MSA through June 30, 2023; and

Whereas, the parties agreed to modify the Rebuilding Order, and the Court entered a Joint Stipulated Order to Suspend the 2nd MSA on July 17, 2023 [Dkt. No. 953] which suspended the 2nd MSA through November 30, 2023; and

Whereas, it is the intent of the parties that the 2nd MSA continue to be suspended to continue to provide time for the Mississippi Department of Child Protection Services (“MDCPS”) to attain benchmarks related to key metrics; and

Whereas, having reviewed the matter and the agreement of the parties as evidenced by their signatures below, the Court finds that the agreement of the parties is well-taken and this Order should be entered.

Now, therefore, it is Ordered that:

1. MDCPS will produce data to the Monitor and the Plaintiffs as set forth in Exhibit “A” to this Order by February 15, 2024, unless otherwise noted, for the Monitor to validate the accuracy of the data being reported and, when appropriate, to assess the quality of MDCPS’s performance as related to those items set forth in Exhibit “A” to this Order.

2. MDCPS will continue to report to the Monitor and Plaintiffs, on a monthly basis, during the Continued Suspension Order period, caseload data for its frontline caseworkers based on the weighted standards table set forth in § 1.3.a. of the 2nd MSA and any adjustments made to the weighted standards for adoption workers.

3. The Monitor will undertake record reviews of a statistically significant random sample of cases to validate the accuracy of the data being reported and to assess the quality of MDCPS’s performance as related to those items set forth in Exhibit “B” to this Order.

4. The Monitor shall prepare a written report related to its review of the data set forth in Exhibit “A” of this Order and its review of those items in Exhibit “B” for the period of January 2023 through December 2023. The Monitor’s report shall be submitted to the parties by August 15, 2024.

5. All reporting, monitoring, and enforcement under the 2nd MSA is stayed, except as otherwise provided herein.

6. Unless otherwise provided herein or ordered by the Court, Defendants shall not be required to report to the Monitor, Plaintiffs or the Court as to any other provision of the 2nd MSA.

7. The Parties agree that Public Catalyst shall be the Monitor of Defendants’ progress towards achievement of the goals set forth herein.

8. Public Catalyst shall provide technical assistance to Defendants as set forth herein or as otherwise agreed to.

9. Plaintiffs shall not invoke the provisions of Section 11.2 of the 2nd MSA for any failure of Defendants to comply with any provision stated above before September 1, 2024. If either party invokes the provisions of Section 11.2 of the 2nd MSA beginning September 1, 2024, the parties will have sixty days to renew their pending motions and/or file new motions, the opposing party will have thirty days to respond, and the parties will jointly request an expedited hearing date.

10. The Monitor shall convene the parties periodically during the Suspension Period.

11. All reporting, monitoring, and enforcement under the 2nd MSA will resume on September 1, 2024.

SO ORDERED, this the 12th day of December, 2023.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

AGREED TO AND APPROVED FOR ENTRY BY:

FOR THE PLAINTIFFS:

/s/ Marcia Lowry

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EXHIBIT A

During the suspension period, MDCPS produced data to the Monitor and the Plaintiffs related to the following provisions from the 2nd MSA as noted below in the “Data Previously Produced” column. During the continued suspension period, MDCPS will produce data to the Monitor and the Plaintiffs related to the following provisions from the 2nd MSA as noted below in the “Data to Produce” column.

| Provision | Data Previously Produced | Data to Produce |
|------------------|---------------------------------|-----------------------------|
| 1.3.a. | Jan & July – Oct 2023 | Feb – June & Nov – Dec 2023 |
| 1.3.b. | N/A | Q1 – Q4 of 2023 |
| 2.8.a. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 2.8.b. | N/A | Q1 – Q4 2023 |
| 2.9. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 3.1 | Q1 – Q3 of 2023 | Q4 of 2023 |
| 3.2.a. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 4.1.a.-c. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 4.6. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 4.9 | Q1 – Q3 of 2023 | Q4 of 2023 |
| 4.11 | Q1 – Q3 of 2023 | Q4 of 2023 |
| 5.1.a. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 5.1.b. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 5.1.c. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 5.1.d. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 6.1.d. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 6.3.a.2. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 6.3.b.3. | Q1 – Q3 of 2023 | Q4 of 2023 |
| 6.4.a. | Q1 – Q3 of 2023 | Q4 of 2023 |

| Provision | Data Previously Produced | Data to Produce |
|------------------|---------------------------------|------------------------|
| 7.1 | Q1 – Q3 of 2023 | Q4 of 2023 |
| 7.2 | N/A | Q1 – Q4 of 2023 |
| 7.4 | N/A | Q1 – Q4 of 2023 |
| 7.5 | N/A | Q1 – Q4 of 2023 |
| 8.1.a. | Q1 – Q2 of 2023 | Q3 – Q4 2023 |
| 8.1.b. | Q1 – Q2 of 2023 | Q3 – Q4 2023 |
| 8.1.e. | Q1 – Q2 of 2023 | Q3 – Q4 2023 |

EXHIBIT B

During the continued suspension period, the Monitor will undertake record reviews of a statistically significant random sample of cases related to the following provisions from the 2nd MSA.

| Provision |
|------------------|
| 2.4 |
| 2.5 |
| 2.7.a.-d. |
| 3.2.b. |
| 3.2.c. |
| 4.8 |
| 4.12 |
| 6.3.a.4. |
| 6.3.a.5. |
| 6.3.a.6. |
| 6.3.b.2. |
| 6.4.b. |
| 6.4.c. |
| 6.5.a.1.-3. |
| 8.1.c. |
| 8.1.d. |
| 8.1.f. |
| 8.1.g. |
| 8.2.c. |